

Attachment A

FILED

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA**

AUG 12 2009

U.S. DISTRICT COURT
CLARKSBURG, WV 26301

Vaughn D. Jackson

Enter the full name of the plaintiff

COMPLAINT

Civil Action No.: 2:09cv08

(To be assigned by the clerk)

v.

E. Lavoyd Morgan Jr.

Enter above the full name of defendant(s)

(If you have additional defendants, list them on a separate sheet of paper)

I. PARTIES

In Item A below, place your name, inmate number, and address in the space provided.

A. Name of Plaintiff: Vaughn D. Jackson
Inmate No.: 42859

Address: 2880 North Pleasants Highway
St. Marys, WV. 26170

In Item B below, place the full name of the defendant, his or her official position, and place of employment in the space provided. Use Item C for additional defendants, if any.

B. Name of Defendant: E. Lavoyd Morgan
Position: Attorney at Law

Place of Employment: Morgan & Associates Lewisburg, WV 24901

C. Additional Defendants (*provide the same information for each defendant as listed in Item B above*):

II. PLACE OF PRESENT CONFINEMENT

Name of
Prison/Institution: St. Marys Correctional Center

A. Is this where the events concerning your complaint took place?

Yes _____ No ☒

If you answered "no", where did the events occur? Greenbrier County Courthouse

B. Is there a prisoner grievance procedure in this institution?

Yes ☒ No _____

C. Did you present the facts relating to your complaint in the state prisoner grievance procedure?

Yes _____ No ☒

If your answer is NO, explain why not: incident occurred on the streets

If your answer is YES, what was the result at level one, level two, and level three (attach grievances and responses):

III. PREVIOUS LAWSUITS

- A. Have you begun other lawsuits in state or federal court dealing with the same facts involved in this action or otherwise related to your imprisonment?

Yes _____ No ☒ _____

- B. If your answer to A is Yes, describe the lawsuit in the space below. If there is more than one lawsuit, describe the additional lawsuits on another piece of paper using the same outline.

1. Parties to this previous lawsuit:

Plaintiff(s): _____

Defendant(s): _____

2. Court: _____

(If federal court, name the district; if state court, name the county)

3. Docket Number: _____

4. Name of Judge(s) to whom case was assigned: _____

5. Disposition: _____

(For example, was the case dismissed? Appealed? Pending?)

6. Approximate date of filing lawsuit: _____

7. Approximate date of disposition: _____

IV. STATEMENT OF CLAIM

State here, as briefly as possible, the facts of your case. Describe what each defendant did to violate your constitutional rights. Include also the names of other persons involved, dates, and places. Do not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Use as much space as you need. Attach extra sheets of paper if necessary.

Claim of Legal Malpractice Against Mr. E. Lavoyd Morgan, Jr., Attorney At Law

My Attorney, E. Lavoyd Morgan, Jr., Was Unethical Conduct And Improper Proper Practice. Mr. Morgan, Jr., had Me to take a Plea Agreement with the State on A Three Charges indictment. When this Attorney could have Made a Motion to dismiss the indictment, on the ground The Indictment is Fatally defective, because it did NOT contain The Grand Jury Foreperson's Signature as the W.VA. Code 62-9-1 (1931) require's, "Indicate that prescribed outlined indictment form is not indispensable and That an indictment adopting different phraseology will be good if essential elements are properly set forth. However, because of the Legislature used the word "Shall in connection with the signature of The Grand Jury Foreperson and the attestation of the Prosecuting Attorney, an indictment not carrying on its back

IV. STATEMENT OF CLAIM - continued.

the endorsement of the Prosecuting Attorney, is Fatally defective on Motion to Quash."

As well in:

Rule 7(c) (1) The West Virginia Rules of Criminal Procedure, W.VA. R. CRIM.P.

Rule 7 The Indictment And Information.

(c) Nature And Contents.

(1) In General - The indictment or the information Shall be plain, concise and definite written statement of the essential facts constituting the offense charged. An indictment Shall be signed by the Foreperson of The Grand Jury and The Attorney for The State.

This is improper practice to have a Client to plea guilty to a indictment that could be dismissed.

Further improper practice is when Attorney advised me of what the sentence's for Count 1, and Count 2, said that these Counts carried, "Not less than one (1) No More than Fifteen (15) Years" Each!! When in fact those Two Counts only carry, "Not less Than (1) one no more than Five (5) Years Each!!

Then said Attorney Improper Practice concerning of Said Motion to Suppress Search, Said Attorney did NOT even attempted to appeal said denial. Any good Lawyer would have.

V. RELIEF

State briefly and exactly what you want the Court to do for you. Make no legal arguments. Cite no cases or statutes.

Relief Requested: This Matter to be presented to a Jury Trial, And be awarded money damages of Five Hundred Thousand Dollars.

Signed this 10th day of August, 20 09.

Virginia D. Jackson
Signature of Plaintiff

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 10th day of August, 20 09.

Virginia D. Jackson
Signature of Plaintiff